

EXHIBIT H

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SAP AG, SAP AMERICA, INC., and
TOMORROWNOW, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE CORPORATION, et al.,

Plaintiffs,

v.

SAP AG, et al.,

Defendants.

Case No. 07-CV-1658 MJJ

**DEFENDANT TOMORROWNOW,
INC.'S RESPONSE TO PLAINTIFF
ORACLE USA, INC.'S SECOND SET
OF INTERROGATORIES**

**HIGHLY CONFIDENTIAL
PURSUANT TO PROTECTIVE
ORDER**

INTERROGATORY NO. 12:

For each Customer for whom SAP TN has created one or more local PeopleSoft environments on SAP TN's systems from copies of that Customer's PeopleSoft software, as testified by Shelley Nelson (Shelley Nelson Dep. at 13:24-17:11 (Oct. 30, 2007)), Identify the Customer, Identify each product name and release copied to create the local environment, and state the total number of local environments created for the customer.

RESPONSE TO INTERROGATORY NO. 12:

THIS RESPONSE IS DESIGNATED AS HIGHLY CONFIDENTIAL.

TomorrowNow objects that this interrogatory is compound, unduly burdensome and oppressive to the extent that it seeks a narrative answer with respect to Peoplesoft environments and each product name and release copied to each such environment. Subject to and without waiving the foregoing objections and the General Responses and Objections, TomorrowNow responds as follows: TomorrowNow has maintained approximately 183 Peoplesoft environments on behalf of approximately 122 different customers, which have variously included one or more of the CRM, EPM, FDM, SA, Portal, and HRMS products, with varying releases of each (including CRM - releases 8.4, 8.8 SP1, and 8.9; EPM- release 8.9; FDM - releases 7.52, 7.53, 8 SP3, 8.4, 8.4 SP1, 8.4 SP2, 8.8 SP1, and 8.9; SA – releases 7.6 and 8 SP1; Portal – releases 8.4 and 9.9; and HRMS - releases 7.02, 7.50, 7.51, 8, 8 SP1, 8.3, 8.3 SP1, 8.8 SP1, and 8.9). Additional information responsive to this interrogatory as to specific customers may be derived or ascertained from TomorrowNow's business records, including specifically TomorrowNow's E Portal .nsf file, produced at TN-OR 00169313, information contained at TN-OR 00169315, TomorrowNow's emails among development and support engineers and its databases of customer service information, including its SAS databases (which have been previously produced, in native format, at TN-OR 00009569), which have been or will be included in TomorrowNow's production of documents and on which TomorrowNow relies to further respond to this

1 interrogatory pursuant to Rule 33(d).

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Dated: December 27, 2007

JONES DAY

By: 
Tharan Gregory Lanier

Counsel for Defendants
SAP AG, SAP AMERICA, INC., and
TOMORROWNOW, INC.

** signed by permission*

PROOF OF SERVICE

I, Michelle Delos Angeles, declare:

I am a citizen of the United States and employed in Santa Clara County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 1755 Embarcadero Road, Palo Alto, California 94303. On December 27, 2007, I served a copy of the attached document(s):

**DEFENDANT TOMORROWNOW, INC.'S RESPONSE TO PLAINTIFF
ORACLE USA, INC.'S SECOND SET OF INTERROGATORIES —
HIGHLY CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER**

- ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Palo Alto, California addressed as set forth below.
- ☐ by placing the document(s) listed above in a sealed Federal Express envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a Federal Express agent for delivery.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- ☒ by transmitting via e-mail or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

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Executed on December 27, 2007, at Palo Alto, California.

By: 

Michelle Delos Angeles